

REMARKS

Claims 17-19 have been canceled. Claims 13-16 and 20-36 are now pending in the application.

In the Office Action, claims 17-19 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants have canceled claims 17-19.

Claims 20, 24-26 and 32-36 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,432,177 to Dallas et al. Claims 20, 24-26, 30 and 32-36 were rejected as being anticipated by Japanese reference JP 60-054177. Claims 12 and 22 were rejected in the Office Action under 35 U.S.C. 103(a) as being unpatentable over Dallas et al. or JP '177 in view of U.S. Patent NO. 6,689,194 to Pratt et al. Claims 14-19, 21, 23, 27-29 and 31 were rejected as being unpatentable over Dallas et al., JP '177 or Pratt et al., in view of U.S. Patent No. 4,898,601 to Casey.

Dallas et al. describes an air filter assembly for filtering air used in low temperature catalytic reactions, that captures particulates and/or chemical contaminants. (Col. 2, lines 10-17.) The contaminants are retained until the contaminant level in the air is sufficiently low that they can be released safely into the airstream. (Col. 2, lines 18-22.) According to Dallas et al., when the contaminant level in the dirty air stream heading for the fuel cell is below an acceptable level, the chemical filter portion may release some of the contaminants, so that it may be partially regenerated. (Col. 7, lines 56-65.)

There is no indication in Dallas et al. that regeneration of the filter element is carried out with any concern for the status of the device receiving the filtered air, such as the fuel cell. It is asserted on page 4 of the Office Action, without specific support, that one of skill in the art would understand that regeneration must take place when the fuel cell is inoperative. However, that is not always the case, since other procedures for regeneration may be devised, other than requiring the fuel cell to be inoperative. In any case, the assertion is contradicted by Dallas et al., which states that the partial regeneration takes place as a function of the cleanliness of the intake air, regardless of the status of the device ultimately using the filtered air. At least for that reason, Dallas et al. does not describe or suggest a control unit that prevents initiation of regeneration when the fuel cell is operating, as claimed.

JP 60054177 describes a portable fuel cell with an air cleaning filter 20. The reference, however, does not describe a control unit preventing initiation of regeneration when the fuel cell is operating, as is recited in the independent claims 13 and 20.

Because none of the cited references describe a method or system having a control unit that is adapted to prevent regeneration of the filter when the fuel cell is operating, applicants respectfully submit that claims 13 and 20 are allowable. The remaining pending claims depend from allowable claims, and at least for that reason are also submitted to be allowable.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #095309.55775US).

Respectfully submitted,

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